

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APPA) NO.482 OF 2014

**M/S AJAY TRADERS, THROUGH ITS PROPRIETOR, SHRI AJAY S/O
MADHUKAR KHADGE
V/S**

ATULSINGH CHAUHAN, PROPRIETOR M/S A.R. CHAUHAN ASSOCIATES

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

**Shri S.A. Chaudhari, counsel for the applicant.
Shri S.C. Mishra, counsel for the Non-applicant.**

**CORAM : PRASANNA B. VARALE, J.
DATE : MARCH 9, 2015**

Heard.

By this application, the applicant is seeking for condonation of delay of 69 days caused in filing the appeal.

Shri S.A. Chaudhari, learned counsel for the applicant, inviting my attention to the reasons stated in the application for condonation of delay submits that the applicant is running a small business of supplying building materials like bricks, sand, and steel etc.. He further submits that the applicant not being very conversant with legal niceties, was engaged in his business. Learned counsel submits that the applicant

.....2/-

2

had approached to him and had been asked to provide certain documents so as to prepare the criminal application and criminal appeal. There was some delay in providing necessary material since he could not collect necessary documents. Learned counsel for the applicant submits that the delay caused is purely an unintentional and for *bona fide* reasons. Learned counsel for the applicant further submits that the applicant lodged a case against the accused attracting the provisions of Section 138 of the Negotiable Instruments Act which would be nothing but caused a purposeful delay. Thus his submission is, delay caused is an unintentional and for the *bona fide* reasons.

Shri S.C. Mishra, learned counsel for the respondent, vehemently opposes the application for condonation of delay. His submission is, no sufficient cause is shown for condonation of delay.

Considering the submissions of learned counsel for the applicant, in my opinion, learned counsel for the applicant has made out a case by showing reasonable grounds causing delay.

.....3/-

3

The criminal application for
condonation of delay is allowed.

The delay is condoned.

The criminal application is disposed of,
as such.

JUDGE

!! BRW !!

...../-